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6 Attorneys for Plaintiffs

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 EVERETT HOGGE and PRISCILLA  
12 HOGGE,

13 Plaintiffs,

14 vs.

15 A.W. CHESTERTON COMPANY, *et al*,

16 Defendants.

) Case No.: C 07 2873 MJJ

)  
) **DECLARATION OF DIANA M. SAGE IN**  
) **SUPPORT OF PLAINTIFFS' MOTION**  
) **FOR COSTS AND EXPENSES**  
) **INCURRED AS A RESULT OF**  
) **REMOVAL**

) [28 U.S.C. § 1447(c); ND CA Local Rules 7-2 & 7-8]

) Hearing Date: July 24, 2007

) Time: 9:30 a.m.

) Courtroom: 11, 19<sup>th</sup> Floor

) Judge: Hon. Martin J. Jenkins  
18 )

19  
20 I, DIANA M. SAGE, declare as follows:

21 1. I am a paralegal employed at the law firm of PAUL, HANLEY & HARLEY, LLP.

22 The matters stated herein are true to my own personal knowledge, except as otherwise stated. If  
23 called upon as a witness to testify, I could and would testify to the following facts.

24 2. As part of my job duties, I coordinate travel arrangements for plaintiffs' witnesses  
25 appearing at trial in cases handled by this law firm. I personally made travel arrangements for  
26 every witness testifying as part of plaintiffs' case in the matter of *Everett Hogge and Priscilla*  
27 *Hogge v. A.W. Chesterton Co., et. al.*, San Francisco Superior Court Case No. 452846.

28 **DECLARATION OF DIANA M. SAGE IN SUPPORT OF PLAINTIFFS' MOTION FOR COSTS AND**  
**EXPENSES INCURRED AS A RESULT OF REMOVAL**

PAGE 1

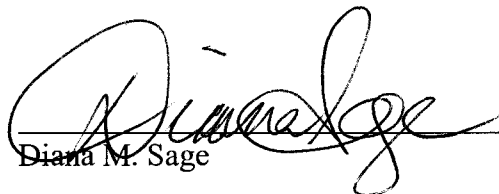
1           3. During the week of May 28, 2007, I made travel arrangements for witnesses  
2 scheduled to appear and testify in the *Hogge* case during the week of June 4, 2007. These  
3 arrangements included airfare and hotel accommodations for Dr. Arnold Brody, one of plaintiff's  
4 experts traveling from Raleigh, North Carolina, and scheduled to testify on June 4, 2007; and  
5 airfare and hotel accommodations for Mr. Richard Hatfield, another of plaintiff's experts, who  
6 was traveling to San Francisco from Suwanee, Georgia, to testify on June 7, 2007. Each of these  
7 experts requires advance notice to reserve dates for travel and testimony. Dr. Brody charges a  
8 cancellation fee if we change or cancel a scheduled appearance. Mr. Hatfield charges a  
9 cancellation fee if we change or cancel a scheduled appearance within two weeks of the  
10 appointed date and time.

11           4. I did not receive notice until after 4:00 p.m. on Friday, June 1, 2007, that the *Hogge*  
12 case had been removed to federal court and that this action stayed all proceedings in the state  
13 court. I immediately canceled the plane and hotel reservations and notified Dr. Brody and Mr.  
14 Hatfield. However, because we did not cancel earlier, we incurred cancellation fees of \$3,200  
15 for Dr. Brody and \$3,000 for Mr. Hatfield.

16           5. Attached hereto as Exhibit 1 is a true and correct copy of the invoice from Dr.  
17 Brody's office for his cancellation fee of \$3,200.

18           6. Attached hereto as Exhibit 2 is a true and correct copy of the invoice from Mr.  
19 Hatfield's office for his cancellation fee of \$3,000.

20           I declare under the penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct. Executed on June 15, 2007, in Berkeley, California.

22  
23  
24   
Diana M. Sage

**EXHIBIT “1”**

June 12, 2007

Ms. Diana Sage  
Paul, Hanley and Harley  
1608 Fourth St.  
Suite 300  
Berkeley, CA 94710

Dear Ms. Sage:

I am sorry that the schedule we arranged for me to travel to San Francisco and testify on Monday, June 4, did not work out as we had planned. Since this was canceled at the last minute, I am charging a one-day fee of \$3200.

I appreciate your taking care of this matter and look forward to working with you again. Please have a check sent to my home at-  
**1910 GLENMARTIN DR., RALEIGH, NC, 27615.**

Sincerely,

Arnold R. Brody, Ph.D.  
Professor

**EXHIBIT “2”**



1  
\*\*\*\*Reprint\*\*\*\*

# INVOICE

**MAS, LLC**  
3945 Lakefield Court  
Suwanee, Georgia 30024  
(770) 866-3200  
FAX (770) 866-3259  
ar@mastest.com

Paul, Hanley & Harley  
Attn. Accounts Payable  
1608 Fourth Street, Suite 300  
Berkeley, CA 94710 USA

Invoice Date: 6/8/2007  
Invoice Number: 0000007360  
Contact: Heather Brink  
Expert: 14-Hatfield  
PO Number:  
Project#: 14060713

Case Name: Hogge

14 - Cancellation Fee-Trial

Trial Testimony Scheduled For 6/7  
& 6/8

Units	Rate	Extended Amt
1.000	3,000.000	3,000.00

\*\*\*Please Make Checks Payable to MAS, LLC.\*\*\*

For Professional Services Rendered: 3,000.00

**Payment Terms:** U.S. clients: Prepayment requested on all initial transactions. Payment in full is due within 30 days from date of invoice (Net 30 terms).  
**International Transactions:** Prepayment of 100% of estimated total required.  
**Wire Transfers:** Please add \$25.00 to invoice total.  
**Late Payments:** The greater of 1.5% or \$25.00 per month may be imposed on past due accounts (over 30 days). A fee of \$60.00 will be assessed for all returned checks. Client is responsible for all collection fees, charges and interest.

F.E.I. #20-5940571